

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAWRENCE TERRY,

Petitioner,

Case No. 09-cv-12211

v.

HONORABLE STEPHEN J. MURPHY, III

C. ZYCH,

Respondent.

_____ /

DEFICIENCY ORDER FOR NOTICE OF APPEAL

Petitioner Lawrence Terry filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court denied the petition on March 11, 2010. Petitioner has filed a notice of appeal. The filing fee for an appeal is \$455.00. Petitioner has failed to pay the filing fee or to apply in the manner required by law to proceed *in forma pauperis*. Under the provisions of the Prison Litigation Reform Act, if a prisoner wishes to proceed *in forma pauperis* on appeal, the prisoner must file in the district court a motion for leave to proceed *in forma pauperis*, a certified copy of a prisoner trust account statement, and supporting its claim of indigence. 28 U.S.C. § 1915(a)(2); *McGore v. Wrigglesworth*, 114 F.3d 601, 609 (6th Cir. 1997). Petitioner has failed to file the required trust account statement in order to proceed *in forma pauperis*.

Petitioner is hereby notified of the foregoing deficiency. Petitioner is informed that within 30 days from the date of this notice he must submit the \$455.00 filing fee or, alternatively, file the required trust account statement. See *McGore*, 114 F.3d at 610. The trust account statement must be a certified copy and must be for the 6 months immediately

preceding the filing of Petitioner's notice of appeal. See 28 U.S.C. § 1915(a)(2).

Petitioner is also notified that if he fails to pay the filing fee or to file the required document as described above, the Court of Appeals may dismiss his appeal for failure to prosecute under Rule 3 of the Federal Rules of Appellate Procedure. See *McGore*, 114 F.3d at 610. In that case, this Court will assess the entire filing fee, which will be payable in full regardless of the previous dismissal. See *id.* In addition, the appeal will not be reinstated even if Petitioner subsequently pays the filing fee or requests to proceed as a pauper. See *id.*

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: April 16, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 16, 2010, by electronic and/or ordinary mail.

s/Alissa Greer
Case Manager